

1 BARRY J. PORTMAN  
Federal Public Defender  
2 SHAWN HALBERT  
Assistant Federal Public Defender  
3 450 Golden Gate Avenue  
San Francisco, CA 94102  
4 Telephone: (415) 436-7700  
5 Counsel for Defendant Oscar Arteaga

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 No. CR 10-00800 RS  
11 UNITED STATES OF AMERICA, )  
12 Plaintiff, )  
13 v. )  
14 OSCAR ARTEAGA, )  
15 Defendant. )  
16 )  
17 )  
18 )

STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING STATUS  
APPEARANCE FROM DECEMBER  
14, 2010 TO JANUARY 18, 2011 AND  
EXCLUDING TIME UNDER 18 U.S.C.  
§ 3161

18 **STIPULATION**

19 The parties are scheduled to appear before this Court on December 14, 2010 at 2:30 p.m. for a  
20 status appearance. At the time this matter was set, defense counsel was aware that she would be in  
21 trial but did not know that the trial day would extend until 4:30 p.m.; thus, she has learned that she is  
22 unavailable for the scheduled court appearance. Defense counsel anticipates being in trial on  
23 December 21, 2010 and out of the office on December 28, 2010 and January 4, 2010. In order to  
24 give the defense sufficient time to review the file and to meet with her client, who is in custody, in  
25 order to determine how the case will proceed, the defense requests that the matter be continued to  
26 January 18, 2011 at 2:30 p.m. The government has no objection to this continuance.

The parties also agree that the time between December 14, 2010 and January 18, 2011 should be excluded under the Speedy Trial Act; the continuance is necessary for continuity of defense counsel and effective preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA HAAG  
United States Attorney

DATED: December 13, 2010

/s/  
LOWELL POWELL  
Special Assistant United States Attorney

DATED: December 13, 2010

/s/  
SHAWN HALBERT  
Assistant Federal Public Defender

**~~PROPOSED~~ ORDER**

For the reasons stated above, the Court finds that the continuance of the next hearing before this Court from December 14, 2010 to January 18, 2011 is warranted. Further, the Court finds that an exclusion of time under the Speedy Trial Act between December 14, 2010 and January 18, 2011 is appropriate because the failure to grant the requested continuance would deny the defendant continuity of counsel and effective preparation of counsel; thus, the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(7)(A), (h)(7)(B)(iv).

SO ORDERED.

DATED: 12/13/10

  
THE HONORABLE RICHARD SEEBORG  
United States District Court